

House Bill 147 (AS PASSED HOUSE AND SENATE)

By: Representatives Talton of the 145<sup>th</sup>, O`Neal of the 146<sup>th</sup>, Randall of the 138<sup>th</sup>, Lucas of the 139<sup>th</sup>, and Everson of the 106<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to bonds and recognizances, so as to provide that professional bondsmen shall provide clerks of court with contact information for purposes of receiving certain notices; to provide that clerks of court shall maintain such information; to relieve a surety from liability under certain circumstances; to add a provision relating to conditions not warranting forfeiture of bond for failure to appear; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to bonds and recognizances, is amended by revising Code Section 17-6-50, relating to persons deemed professional bondsmen and criminal background investigation, by adding a new subsection (d) to read as follows:

"(d) It shall be the duty of each professional bondsman approved by the sheriff in accordance with this part to provide the clerk of each court before which one or more of such professional bondsman's principals are required to appear with the business name, complete address, telephone number, and e-mail address of the chief operating officer or his or her designee of such professional bondsman for the purpose of receiving any notices that may be sent pursuant to Code Section 17-6-71. Each professional bondsman shall have the duty to keep such information current and accurate. It shall be the duty of each clerk of court to keep, maintain, and update such information as provided by a professional bondsman."

**SECTION 2.**

Said chapter is further amended by revising subsection (a) of Code Section 17-6-71, relating to execution hearing on failure of principal to appear, as follows:

"(a) The judge shall, at the end of the court day, upon the failure of the principal to appear, forfeit the bond and order an execution hearing not sooner than 120 days but not later than 150 days after such failure to appear. Notice of the execution hearing shall be served by the clerk of the court in which the bond forfeiture occurred within ten days of such failure to appear by certified mail or ~~statutory overnight delivery~~ by electronic means as provided in Code Section 17-6-50 to the surety at the address listed on the bond or by personal service to the surety within ten days of such failure to appear at its home office or to its designated registered agent. Service shall be considered complete upon the mailing of such certified notice. Such ten-day notice shall be adhered to strictly. If notice of the execution hearing is not served as specified in this subsection, the surety shall be relieved of liability on the appearance bond."

#### SECTION 2A.

Said chapter is further amended by revising Code Section 17-6-72, relating to conditions not warranting forfeiture of bond for failure to appear, by adding a new subsection to read as follows:

"(c.1) No judgment shall be rendered on a forfeiture of any appearance bond if it is shown to the satisfaction of the court that the principal on the bond was prevented from attending because he or she was deported by federal authorities. An official written notice of such deportation from a federal official shall be considered proof of the principal's deportation."

#### SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

#### SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.